REMARKS

Claims 1-35 are pending in the subject application.

In the Office Action mailed September 29, 2006 the Examiner required restriction under 35 U.S.C. 121 to one of the following allegedly distinct inventions as follows: "Invention I", consisting of claims 1-12, 15-20, 23 and 26-35, and "Invention II", consisting of claims 13-14, 21-22 and 24-25. The Examiner also required applicant to **(a)** elect one species of the heterologous receptor protein-tyrosine kinase domains as set forth in claim 2, and **(b)** select a single molecular embodiment of a modified extracellular domain of the Ret receptor.

In response, applicants hereby elect, with traverse, Invention I for the purposes of preliminary examination.

However, applicants draw the Examiner's attention to M.P.E.P. Section 803, which states:

> If the search and examination of the entire application can be made without serous burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (Emphasis added)

Applicants respectfully contend that there is no serious burden on the Examiner to examine only an additional **6** claims of "Invention II" along with the examination of the other **29** claims of "Invention I". The screening methods of Invention II are biochemical assays that require all the limitations of the compositions of Invention I, and should readily be identified in a search for such compositions. Consequently, applicants respectfully request that the Examiner reconsider and withdraw this restriction requirement with respect to "Invention II".

Applicants also elect, with traverse, Tie2, as a species of heterologous receptor protein-tyrosine kinase, for the purposes of preliminary examination. Claims readable thereon include claims 1, 2, and 4-35.

Applicants also elect, with traverse, the modified extracellular domain of the human Ret receptor with the amino acid substitution C634W, as a molecular embodiment of a modified extracellular domain of the Ret receptor, for the purposes of preliminary examination. Claims readable thereon include claims 1-8 and 10-35.

It was unclear to applicant from the Office Action whether a listing of claims was also required for the hybrid receptor species where both of the above elected species occurred in the same molecule. Should the Examiner require this, the claims readable thereon include claims 1, 2, 4-8 and 10-35.

However, as above, applicants draw the Examiner's attention to M.P.E.P. Section 803, and respectfully contend that there is no serious burden on the Examiner to examine the claims using a generic heterologous receptor protein-tyrosine kinase domain and generic modified extracellular domain of the Ret receptor that has the property of rendering the kinase domain constitutively active, and that a search based on such generic terms can readily be conducted and is arguably a preferable approach than that involving searching individual species.

Agent for Applicants can be reached at the telephone number and address below.

Respectfully submitted,

Alexander A. Stewart,
Agent for Applicant.
Registration No. 47,110
Telephone No. (631) 962-2149
Fax No. (631)-845-0582

December 15, 2006
OSI Pharmaceuticals, Inc.
41 Pinelawn Road,
Melville, NY 11747